



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,403	07/26/2006	Hiroshi Yamada	01197.0274	7054
22852	7590	10/07/2008		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER THOMPSON RUMMEL, PONDER N	
			ART UNIT	PAPER NUMBER
			1795	
			MAIL DATE	DELIVERY MODE
			10/07/2008 PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/587,403

Applicant(s)

YAMADA ET AL.

ExaminerPONDER N. THOMPSON
RUMMEL**Art Unit**

1795

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/26/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 7/26/2006, 4/30/2007
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 11, 13, 15, and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claims 11, 13 and 15 contains the trademark/trade name UV-35-APR Filter, UV-25 Filter and UV-M02. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe UV meter and filters and, accordingly, the identification and description is indefinite.

4. Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 1795

5. It is not clearly stated the type of optical system used for collecting light for the term "optical system" can suggest numerous types of systems. It is not clear what applicant intends with the term, "optical system".

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 12, 14, 15, 18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Ogata (JP2003-241397).

Ogata discloses a method for manufacturing a seamless sleeve body for printed images formed by laser engraving wherein:

- a liquid photosensitive composition is applied to a cylinder support (paragraph [0010]) and molded or shaped to a thickness of 3 mm (paragraph [0029]); and
- Exposing the photosensitive layer with UV light having a wavelength between 200-400 nm (paragraph [0030]).

Art Unit: 1795

The thickness of the film can be adjusted by reapplying the photosensitive composition to the cylinder support and applying exposure (paragraph [0035]). The limitation, "an illumination of light ... when measured using a UV filter" does not add positive limitation to the claim. The same process is followed in the Ogata reference. Therefore, the illumination would be expected to be the same in the process of Ogata.

8. Claims 12, 13, 22 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Kannurpatti et al (US 2002/0213003).

Kannurpatti discloses a laser engravable flexographic printing element and a method of forming the printing element comprising:

- Forming an elastomeric, photosensitive layer (paragraph [0020]) onto a substrate by pressing the material into the desired shape in a suitable mold using pressure and or heat to cure the mold (paragraph [0030]);
- Applying UV light exposure to the layer with a light intensity between 5 mW/cm^2 (paragraph [0050]) and 17.8 mW/cm^2 (paragraph [0041]) and a wavelength of no more than 300 nm (paragraph [0037]).

The limitation, "an illumination of light ... when measured using a UV filter" does not add positive limitation to the claim. The same process is followed in the Ogata reference. Therefore, the illumination would be expected to be the same in the process of Ogata.

-

Art Unit: 1795

9. Claims 12, 14, 16, 17, 19, 22 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Yokota et al (US 7,029,825).

Yokota discloses a photosensitive resin for laser engraving. The laser engravable printing element can be obtained by a process comprising:

- Shaping the photosensitive resin, which is a plastomer (solid) at 20°C (column 6, lines 63-65), into a sheet or cylinder (column 19, lines 19-20) wherein the thickness ranges from 0.1 to 15mm (column 21, lines 17-18). Further the coating is done at a temperature from 5 to 60°C (column 23, lines 38) or is heated between 50 to 150°C (column 23, line 42);
- Crosslink to solidify and cure by irradiation; and
- Laser engraving the printing element under air with UV light (column 17, line 16) wherein the wavelength of the light is 254 nm (column 25, lines 37-39).

The limitation, "an illumination of light ... when measured using a UV filter" does not add positive limitation to the claim. The same process is followed in the Ogata reference. Therefore, the illumination would be expected to be the same in the process of Ogata.

•

The laser engravable element can be used to form a flexible relief pattern such as a relief pattern for flexographic printing plates (column 9, line 13-15). Further, when the printing plate is exposed at the surface, a concave convex pattern is formed (column 23, lines 53-61)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PONDER N. THOMPSON RUMMEL whose telephone number is (571)272-9816. The examiner can normally be reached on Monday-Friday 7:00 am - 4:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. N. T./
Examiner, Art Unit 1795

Art Unit: 1795

/Cynthia H Kelly/

Supervisory Patent Examiner, Art Unit 1795